

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *CYNTHIA BARNES, INDIVIDUALLY AND, AS ADMINISTRATOR OF THE ESTATE OF TODD JONES V. CITY OF ATLANTA*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2005-CV-100632, IN THE AMOUNT OF \$150,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1AO1 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

**WHEREAS,** *Cynthia Barnes, Individually and, as Administrator of the Estate of Todd Jones v. City of Atlanta*, is a case in which the Plaintiff, Cynthia Barnes, is suing for the wrongful death of her son, Todd Jones while he was inmate at the City of Atlanta Department of Corrections; and

**WHEREAS,** Plaintiff alleges that while Mr. Jones was in the custody and under the supervision of the City of Atlanta Department of Corrections, he fell from the second level of the jail onto the concrete floor below, causing severe injuries and ultimately his death; and

**WHEREAS,** Plaintiff alleges that the City's corrections officers were aware of Mr. Jones' epilepsy, having a high risk of seizures, and should have properly supervised him; and

**WHEREAS,** the City has weighed the significant expense required to continue to defend the litigation against the opportunity to resolve the litigation expeditiously; and

**WHEREAS,** the Plaintiff is willing to settle all claims against the City of Atlanta for the amount of one hundred fifty thousand dollars (\$150,000.00), an amount that includes all costs, and a dismissal with prejudice as to all claims against the City of Atlanta; and

**WHEREAS**, the City Attorney recommends this settlement because it is in the best interest of the City;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1.** That the City Attorney is hereby authorized to conclude the settlement of all claims of Cynthia Barnes, individually and as administrator of the Estate of Todd Jones against the City of Atlanta, as set forth in Civil Action File No. 2005-CV-100632, in the Superior Court of Fulton County, for the aggregate amount of one hundred fifty thousand dollars (\$150,000.00), including execution of settlement documents; and

**SECTION 2.** That the Chief Financial Officer is authorized to pay to Cynthia Barnes, and her attorney, Laurence Margolis, P.C., the total sum of \$150,000.00, which shall be paid from Fund 1AO1 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).